



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,531	09/26/2001	Ramesh Pendakur	42390P11545	3771

7590 11/28/2005
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,531

Applicant(s)

PENDAKUR, RAMESH

Examiner

Son P. Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “365” has been used to designate both content reception system and notification (figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

1. Claim 19 is objected to because of the following informalities:

In claim 19, line 5-6, the phrase “the mobile a notification system” should be replaced as – the mobile notification system. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer et al. (US 2002/0124252).

Regarding claim 1, Schaefer discloses a method comprising:

accessing content descriptive data corresponding to content operable to be transmitted to a reception system associated with a user (processing information event (title, channel, descriptive information) corresponding to event (i.e. football game, a movie, etc.) to be transmitted to a receiving apparatus (e.g., 152,154,162,158) associated with a user – figure 2, paragraphs 0015-0016);

accessing preference data that describes a content preference of the user (processing user profile with preferences that describes types of information that is interest to a user- figure 7, paragraphs 0015, 0019,0029, 0043-0048);

Art Unit: 2611

determining to notify the user by comparing the content descriptive data with the preference data and determining that the content descriptive data matches the preference data (determining to alert the user by comparing the program schedule information and the user preference profile and determining the matches of the data to provide a customized program schedule – figure 7; col. 18, lines 1-29; col. 13, line 8-col. 14, line 20) ;

enabling notification of the user by transmitting a notification request to a notification system associated with the user (transmitting the customized program schedule/alert to the receiving apparatus associated with the user and displaying the customized program schedule/alert to the user – col. 13, line 8-col. 14, line 15; col. 15, lines 16-35; col. 19, lines 15-49).

Regarding claim 2, Schaefer further discloses accessing content descriptive data corresponding to digital multimedia entertainment content selected for transmission to the reception system and operable to be transmitted over a broadcast channel to the reception system which comprises a memory to store the content (accessing program information/event information corresponding to programs/events selected for transmission to the reception system (i.e. set top box, pager, cellular phone, etc.), the program information/event information and programs/events are transmitted to set top box, pager, cellular phone, etc. over a broadcast channel; the reception system comprises a memory to store the program/event – figures 1-3, paragraphs 0015, 0021, 0027, 0051, 0052).

Regarding claim 3, Schaefer further discloses generating a notification request (information alert) by using at least a portion of the content descriptive data (i.e. name of event/program, type of channel, etc.) – paragraphs 0015-16, 0028);

transmitting the notification request by using a predetermined stored address corresponding to the notification system (transmitting information alert to predetermined device address, i.e. addresses of pager, telephone, etc. so that only subscribers receives information alerts – paragraphs 0016-0019, 0032).

Regarding claim 4, Schaefer further discloses transmitting a notification request operable to cause a notification from the notification system selected from the group consisting of a pager, and a phone (transmitting information alert to cause an alert from the notification system selected from the group consisting of a pager, cellular phone – paragraphs 0016-0021, 0047).

Regarding claims 5 and 7, the limitations of the claimed machine-readable medium corresponding to the limitations of the method as claimed in claims 1 and 3 respectively. Schaefer further discloses the functions are performed by machine-readable instructions, software, code and the like that is stored in one or more machine-readable media (paragraph 0061). Therefore, the limitations as claimed are analyzed as discussed with respect to the rejection of claims 1 and 3.

Art Unit: 2611

Regarding claim 6, Schaefer further discloses instructions causing the machine to transmit the notification request (information alert) to a notification system selected from the group consisting of a personal computer, a laptop, a person digital assistant, and an email account (paragraphs 0015-0016, 0039-0042).

Regarding claims 8-10, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1, 4, 3 respectively, and are analyzed as discussed with respect to the rejection of claims 1, 4, 3.

Regarding claim 11, Schaefer further discloses the digital content includes digital content having a type that is selected from the group consisting of music, software, and video game (movie, commercial, music video, computer games, etc. paragraphs 0015, 0038, 0042, 0048).

Regarding claim 12, Schaefer further discloses the profile (either stored in set top box or headend, or remote control unit) is coupled with the user via a communication link and operable to be modified by the user (figure 2, paragraphs 0027, 0045, 0048, 0049).

Regarding claim 13, Schaefer further discloses reference data (user profile information) was obtained by observing and recording content consumption by the user (user profile was accumulated as the user participates in or uses the interactive video castings system. For example, user purchases items – paragraph 0049).

Regarding claim 15, the limitations of the system correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 16, Schaefer further discloses the notification means comprises a notification system selected from a group consisting of: a pager, a telephone, and a personal digital assistant (PDA) – paragraphs 0039-0042).

Regarding claim 17, Schaefer further discloses the content (movie, music video, sporting event, etc. – paragraphs 0038, 0042);
a content reception system to receive the content (set top box, PC, etc. – figure 2, paragraphs 0027-0030, 0038, 0042);
a content presentation system (i.e. TV or monitor) to present the content to the user (figure 2, paragraph 0029, 0042).

Regarding claim 18, Schaefer discloses a system comprising:

a receiver (i.e. receiver of provider, receiver coupled to set top box, etc.) to receive broadcast content (i.e. program 402) and content descriptive data (program information) – figures 1, 2, paragraphs 0015, 0023, 0042);

a notification requesting system coupled to the receiver (i.e. interface to the receiver that coupled to the set top box or storage, processor of the set top box) and

comprising a predetermined notification system address corresponding to a notification system to receive the content descriptive data and generate a notification request addressed to the notification system and comprising the content descriptive data (since the information alert/program is sent to particular subscriber/device – paragraphs 0016, 0032, the device address is inherently comprised in the notification requesting system that sends the information alert to the particular subscriber/device. The notification requesting system generates information alert and sends information alert to predetermined devices i.e. pager, cellular phone, paragraphs 0015, 0032, 0039-0047, 0053); and

a transmitter (i.e. at the provider or at the set top box that interface to the pager, cellular phone, etc. – figure 2) coupled with the notification requesting system to receive the addressed notification request and to transmit the request to the notification system (receive and transmit information alert to addressed devices such as pager, cellular phone, etc. – paragraphs 0015, 0039-0047, figure 2).

Regarding claim 19, Schaefer further discloses the notification is a mobile notification system (i.e. pager, cellular phone, PDA – paragraphs 0039-0047). Schaefer further discloses the information alert/data is transmitted to a particular devices i.e. particular pager, only subscribers, etc. – paragraphs 0015-0016, 0032, 0053). Inherently, the notification requesting system comprises an address of the mobile notification system.

Regarding claim 20, Schaefer further discloses the system further comprises:

a cache to stored received content (paragraphs 0027, 0038, 0052);
a profiling system to modify a user profile by storing content descriptive data for content that the user consumes (paragraphs 0045, 0048-0049).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al. as applied to claim 8 above, and in view of Ellis et al. (US 2004/0117831).

Regarding claim 14, Schaefer teaches a system as discussed in the rejection of claim 8. Schaefer further discloses the notification requesting system is a notification system to generate a first request at a first time prior to transmission of the content to the user to enable the notification system to notify the user of content before it is transmitted (transmitting request for information alert of the content before the content is transmitted – paragraphs 0016-0019). Schaefer also discloses a second request at a second time subsequent time (select to record/store the program in response to the alert information

Art Unit: 2611

paragraphs 0051, 0052). However, Schaefer does not specifically disclose the after transmission of the content to the user, the notification system notify the user of content after it has been transmitted.

Ellis discloses when the recording is complete, the program guide may notify user that the program has been recorded and is available for viewing (paragraph 0149) broadly reads on request at a time after transmission of the content to the user, the notification system notify the user the content after it has been transmitted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schaefer to use the teaching as taught by Ellis in order to notify the user of the complete recorded and available content, thereby improve convenience to user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maissel et al. (US 6, 637,029) discloses intelligent electronic program guide.

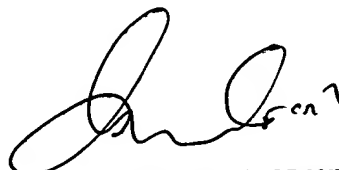
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 7:00-4:30.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
November 16, 2005



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**